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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2193

Introduced by Assembly Member Lara
(Coauthor: Assembly Member Solorio)

February 23, 2012

An act to amend Section 52059 of, and to add Sections 313.1; and 313.2, and 313.3 to; the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2193, as amended, Lara. Long-term English learners.

~~(1) Existing law requires the State Department of Education to establish a statewide system of school support for school districts, county offices of education, and schools in need of improvement and requires the system to consist of regional consortia, school district assistance and intervention teams, and other technical assistance providers.~~

~~This bill would require the support and technical assistance provided by the regional consortia to address the needs of pupils not meeting federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners. By requiring the regional consortia to provide support in a manner that~~

~~addresses the needs of these pupils, this bill would impose a state-mandated local program.~~

The bill would define “long-term English learner” and “English learner at-risk of becoming a long-term English learner.”

~~(2) Existing federal law requires local educational agencies to inform the parents of limited-English-proficient pupils of certain information regarding the language instruction of their children.~~

This bill would add to the information required by the federal law by requiring a school district, charter school, and county office of education to notify a parent or guardian of an English learner of whether their child is, or is at-risk of becoming, a long-term English learner. By requiring a school district, charter school, and county office of education to include this additional information in the notice provided to parents, ~~the bill would impose a state-mandated local program.~~

~~(3) Existing~~

Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine ~~their~~ *the pupil’s* level of proficiency. Existing law requires the ~~department~~ *State Department of Education*, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

This bill ~~would define “long-term English learner” and “English learner at-risk of becoming a long-term English learner” and~~ would require the department to annually ascertain and ~~post on its Internet Web site~~ *provide to school districts and schools* the number of pupils in each school district and school, as specified, who are, or are at risk of becoming, long-term English learners.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

SECTION 1. Section 313.1 is added to the Education Code, to read:

313.1. For purposes of this article, the following terms have the following meanings:

(a) “Long-term English learner” means an English learner who is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the English language development test identified or developed pursuant to Section 60810, or any successor test, and scores far below basic or below basic on the English language arts standards-based achievement test administered pursuant to Section 60640, or any successor test.

(b) “English learner at risk of becoming a long-term English learner” means an English learner who is enrolled in any of grades 5 to 11, inclusive, ~~has been continuously or cumulatively enrolled~~ in schools in the United States for four years, scores at the intermediate level or below on the English language development test identified or developed pursuant to Section 60810, or any successor test, and scores in the fourth year ~~of continuous or cumulative enrollment~~ at the below basic or far below basic level on the English language arts standards-based achievement test administered pursuant to Section 60640, or any successor test.

~~SEC. 2. Section 313.2 is added to the Education Code, to read:~~
~~313.2. The notice to parents required pursuant to Section 7012 of Title 20 of the United States Code shall include whether their child is a long-term English learner or at risk of becoming a long-term English learner.~~

~~SEC. 3.~~

~~SEC. 2.~~ Section ~~313.3~~ 313.2 is added to the Education Code, to read:

~~313.3.~~

313.2. (a) The department shall annually ascertain the number of pupils in each school district and school, including a school that is within the jurisdiction of a county office of education and a charter school, who are, or are at risk of becoming, long-term English learners, as those terms are defined in Section 313.1.

(b) The department shall annually ~~post~~ *provide* the information described in subdivision (a), ~~listed by school and school district, on its Internet Web site to school districts and schools.~~

~~SEC. 4. Section 52059 of the Education Code is amended to read:~~

~~52059. (a) For purposes of complying with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a statewide system of school support shall be established by the department to provide a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. The system shall consist of regional consortia, district assistance and intervention teams, and other technical assistance providers.~~

~~(b) The regional consortia shall work collaboratively with, and provide technical assistance to, school districts and schools in need of improvement by doing the following:~~

~~(1) Reviewing and analyzing all facets of the operation of a local educational agency or school, including the following:~~

~~(A) The design and operation of the instructional program offered by the local educational agency or school.~~

~~(B) The recruitment, hiring, and retention of principals, teachers, and other staff, including vacancy issues. The regional consortia may request the assistance of the Fiscal Crisis and Management Assistance Team to review school district or school recruitment, hiring, and retention practices.~~

~~(C) The roles and responsibilities of district and school management personnel.~~

~~(2) Assisting the local educational agency or school in developing recommendations for improving pupil performance and school operations.~~

~~(3) Assisting the local educational agency or school in efforts to eliminate misassignments of certificated personnel.~~

~~(e) The support and technical assistance provided by the regional consortia pursuant to subdivision (b) shall address the needs of pupils not meeting federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners.~~

~~(d)~~

~~For purposes of performing the functions specified in subdivision (b), funds for the regional consortia shall be distributed~~

1 based on the number of Title I schools, the pupil enrollment in
2 those schools, and the number of school districts in each region
3 that are identified as being in need of improvement pursuant to
4 Section 6316(b) of Title 20 of the United States Code.

5 (e)

6 The regional consortia shall ensure that support is provided in
7 the following order of priority:

8 (1) To school districts or county offices of education with
9 schools that are subject to corrective action under Section
10 6316(b)(7) of Title 20 of the United States Code.

11 (2) To school districts or county offices of education with
12 schools that are identified as being in need of improvement
13 pursuant to Section 6316(b) of Title 20 of the United States Code.

14 (3) To provide support and assistance to school districts and
15 county offices of education with schools participating under the
16 federal No Child Left Behind Act of 2001 that need support and
17 assistance to achieve the purposes of that act.

18 (4) To provide support and assistance to other school districts
19 and county offices of education with schools participating in a
20 program carried out under this chapter.

21 (f)

22 In accordance with paragraph (4) of subdivision (d) of Section
23 52055.57, the Superintendent may recommend, and the state board
24 may approve, that a local educational agency that is identified for
25 corrective action under the federal No Child Left Behind Act of
26 2001 contract with a district assistance and intervention team or
27 other technical assistance provider to receive technical assistance,
28 including, but not limited to, a needs assessment of the local
29 educational agency.

30 (1) The Superintendent shall develop, and the state board shall
31 approve, standards and criteria to be applied by a district assistance
32 and intervention team or other technical assistance provider in
33 carrying out its duties. The standards and criteria that a district
34 assistance and intervention team or other technical assistance
35 provider shall use in assessing a local educational agency shall
36 address, at a minimum, all of the following areas:

37 (A) Governance.

38 (B) Alignment of curriculum, instruction, and assessments to
39 state standards.

40 (C) Fiscal operations.

1 ~~(D) Parent and community involvement.~~

2 ~~(E) Human resources.~~

3 ~~(F) Data systems and achievement monitoring.~~

4 ~~(G) Professional development.~~

5 ~~(2) Not later than 120 days after the assignment of a district~~
6 ~~assistance and intervention team or other technical assistance~~
7 ~~provider, or the next regularly scheduled meeting of the state board~~
8 ~~following the expiration of the 120 days, the team shall complete~~
9 ~~a report based on the findings from the needs assessment performed~~
10 ~~pursuant to paragraph (1). The report shall include, at a minimum,~~
11 ~~recommendations for improving the areas specified in paragraph~~
12 ~~(1) that are found to need improvement. The report also shall~~
13 ~~address the manner in which existing resources should be redirected~~
14 ~~to ensure that the recommendations can be implemented.~~

15 ~~(3) Not later than 30 days after completion of the report specified~~
16 ~~in paragraph (2), the governing board of the local educational~~
17 ~~agency may submit an appeal to the Superintendent to be exempted~~
18 ~~from implementing one or more of the recommendations made in~~
19 ~~the report. The Superintendent, with approval of the state board,~~
20 ~~may exempt the local educational agency from complying with~~
21 ~~one or more of the recommendations made in the report.~~

22 ~~(4) Not later than 60 days after completion of the report, the~~
23 ~~governing board of the local educational agency at a regularly~~
24 ~~scheduled meeting shall adopt the report recommendations~~
25 ~~described in paragraph (2), as modified by any exemptions granted~~
26 ~~by the Superintendent under paragraph (3).~~

27 ~~(g)~~

28 ~~—A local educational agency that is required to contract with a~~
29 ~~district assistance and intervention team or other technical~~
30 ~~assistance provider pursuant to this section shall reserve funding~~
31 ~~provided under subdivision (d) of Section 52055.57 to cover the~~
32 ~~entire cost of the team or other technical assistance provider before~~
33 ~~using that funding for other reform activities.~~

34 ~~(h)~~

35 ~~—Upon an evidence-based finding that a district assistance and~~
36 ~~intervention team or other technical assistance provider has not~~
37 ~~fulfilled its legal obligations pursuant to this section, the~~
38 ~~Superintendent, with the approval of the state board, may remove~~
39 ~~the district assistance and intervention team or other technical~~
40 ~~assistance provider from the state list of eligible providers.~~

1 (i)

2 ~~The provisions of this section are declarative of technical~~
3 ~~assistance requirements under the federal No Child Left Behind~~
4 ~~Act of 2001 outlined in Section 6316(b) and (c) and Section~~
5 ~~6317(a) of Title 20 of the United States Code.~~

6 (j)

7 ~~For purposes of this article, all references to schools shall~~
8 ~~include charter schools.~~

9 ~~SEC. 5. If the Commission on State Mandates determines that~~
10 ~~this act contains costs mandated by the state, reimbursement to~~
11 ~~local agencies and school districts for those costs shall be made~~
12 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
13 ~~4 of Title 2 of the Government Code.~~